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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,614	08/07/2001	Wolfgang Nieuwkamp	RBL0079	5790

7590
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11/03/2003

EXAMINER

POLITZER, JAY L

ART UNIT PAPER NUMBER

2856

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,614

Applicant(s)

NIEUWKAMP, WOLFGANG

Examiner

Jay L Politzer

Art Unit

2856

MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Serial Number: 09/869,614

Art Unit: 2856

Title: MEASURING SYSTEM FOR THE CONTROL OF RESIDUAL DUST
IN SAFETY VACUUM CLEANERS

Filed: 8/7/01

Inventor(s): Nieuwkamp

Attorney(s): Cox

DETAILED ACTION

ABSTRACT:

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 101:

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 20-62 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative as described and therefore lacks utility.

Regarding Claims 20, 39 and 52; each have the particles passing through a grounded region before contacting a probe that generates a triboelectric current from the impact. It is assumed that passing through the grounded region is enough to discharge any charged particles. However, if a triboelectric current is generated from the probe, it will also be generated by impact in the grounded region. This impact will **charge** neutral particles. Therefore, charged as well as neutral particles will impact the probe and both will contribute to the measured current.

In the following the supposed principles of operation are ignored.

REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 102:

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 20, 23-24, 28, 29, 33-36, 39, 41, 43-44, 46-49, 52, 54 and 57-60 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Reif et al, hereinafter Reif.

Regarding Claims 20, 23-24, 28, 29, 36, 39, 41, 43-44, 49, 52, 54 and 60; see Fig 1 and Col 6, Li 26-61, wherein the turbine is device 18, the measuring electrode is 20 or the grid of Fig 4, the filter unit is 16, the display is 30, the intermediate tube is 12, and the optical alarm is 35.

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Regarding Claims 33-35, 46-48 and 57-59; see Fig 6 and
Col 6, Li 26-57.

REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 103:

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

7. Claims 21, 22, 25-27, 30-32, 37-38, 40-42, 45, 50-51, 53, 55-56 and 61-62 are rejected under 35 U.S.C. § 103 as being unpatentable over Reif.

Regarding Claims 21, 22, 25-27, 40-42, 53 and 55; Reif fails to teach that position of the electrode. It would have been obvious to one of ordinary skill in the art at the time of the invention to position the electrode at numerous different positions to measure the dust at those positions.

Regarding Claims 30-32, 45 and 56; Reif teaches grounding various elements without spelling them all

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out. It would have been obvious to one of ordinary skill in the art at the time of the invention to intelligently ground those elements that make the circuits work best while eliminating noise.

Regarding Claims 37-38, 50-51, and 61-62; Reif doesn't teach a computer with storage. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a computer with storage for statistical analysis.

DESCRIPTION OF UNAPPLIED ART:

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it teaches other triboelectric inventions.

FINAL ACTION:

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

REMARKS:

10. Applicant's arguments filed 9/12/03 have been fully considered but they are not persuasive.

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Applicant argues that Reif only detects charged particles. This is not the case. See enclosed EPA report, P 7, for an explanation of the operating principle.

INQUIRIES:

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jay L. Politzer whose telephone number is (703) 305-4930 and whose facsimile number is (703) 308-7382
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached at (703) 305-4705.
13. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.

jlp 10/29/03

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HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
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